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1           **WHEREAS**, once adopted, the Policy will be made publicly available on the Police  
2 Department's website for as long as the covered military equipment is available for use;  
3 and  
4

5           **WHEREAS**, in accordance with AB 481, the Policy is being agendized as an open  
6 session item at a regular meeting of the City Council, and public comment on the item will  
7 be allowed in accordance with the Brown Act; and  
8

9           **WHEREAS**, this Ordinance shall be reviewed by the City Council at least annually,  
10 and based on an annual military equipment report that will be submitted to the City Council  
11 pursuant to AB 481, the City Council shall determine whether each type of military  
12 equipment identified in the report has complied with the standards for continued approval.  
13

14           **THE COUNCIL OF THE CITY OF ALBANY DOES ORDAIN AS FOLLOWS:**  
15

16           **SECTION 1: INCORPORATION OF RECITALS.**  
17

18           The City Council hereby finds that all of the foregoing recitals are true and correct  
19 and are hereby incorporated and adopted as findings of the City Council as if fully set forth  
20 herein.  
21

22           **SECTION 2. FINDINGS.**  
23

24           Pursuant to Government Code section 7071(d)(1), as may be amended or  
25 renumbered from time to time, the City Council hereby makes the following findings in  
26 support of its adoption of the Policy:  
27

28           A.     The military equipment identified in the Policy is necessary because there is  
no reasonable alternative that can achieve the same objective of officer and civilian safety.

1           B.     The proposed Policy will safeguard the public's welfare, safety, civil rights,  
2           and civil liberties.

3  
4           C.     If the Police Department purchases military equipment pursuant to the  
5           Policy, the equipment is reasonably cost effective compared to available alternatives that  
6           can achieve the same objective of officer and civilian safety.

7  
8           D.     Prior military equipment use complied with the military equipment use  
9           policy that was in effect at the time, or if prior uses did not comply with the accompanying  
10          military equipment use policy, corrective action has been taken to remedy nonconforming  
11          uses and ensure future compliance.

12  
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14       **SECTION 3. SEVERABILITY.**

15               In light of the findings in Section 2, and in accordance with AB 481, the Policy  
16               attached to this Ordinance as Exhibit "A" is hereby adopted by the City Council.

17  
18  
19       **SECTION 4. CEQA.**

20               The City Council finds that this Ordinance is not subject to the California  
21               Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not  
22               result in a direct or reasonably foreseeable indirect physical change in the environment) and  
23               15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA  
24               Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential  
25               for resulting in physical change to the environment, directly or indirectly.

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